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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 DONTE MCCLELLON,

8 Plaintiff,

9 v.

10 CAPITAL ONE BANK,

11 Defendant.

CASE NO. C18-909 JCC

ORDER AFFIRMING ORDER
DECLINING TO RECUSE
VOLUNTARILY

12 This matter is before the Court on Plaintiff's motion seeking, *inter alia*, recusal of the
13 Honorable Judge Coughenour. Dkt. #41. Judge Coughenour declined to recuse himself and, in
14 accordance with this Court's Local Civil Rules, the matter was referred to the Undersigned for
15 review. Dkt. #45; LCR 3(f). Plaintiff's motion is light on factual support and does not
16 demonstrate a basis for recusal. The Undersigned affirms Judge Coughenour's decision.

17 Plaintiff's primary complaints clearly flow from Plaintiff's disagreement with orders
18 entered by Judge Coughenour. *See* Dkt. #41 at 4–5. Plaintiff alleges that Judge Coughenour
19 abused his discretion by finding Plaintiff's appeal was “not made in good faith.” *Id.* at 4.
20 Plaintiff expresses his belief that his motion to vacate the judgment should have been granted
21 and that Judge Coughenour denied IFP status on appeal “even when opposing counsel [had] not
22 opposed” it. *Id.* Plaintiff concludes that Judge Coughenour's “rulings [have] demonstrated that
23 he is incapable of ruling in impartiality in separate matters.” *Id.*

1 Pursuant to 28 U.S.C. § 455(a), a “judge of the United States shall disqualify himself in
2 any proceeding in which his impartiality might reasonably be questioned.” Recusal is
3 appropriate if “a reasonable person with knowledge of all the facts would conclude that the
4 judge’s impartiality might reasonably be questioned.” *Yagman v. Republic Insurance*, 987 F.2d
5 622, 626 (9th Cir. 1993). This is an objective inquiry concerned with whether there is the
6 appearance of bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731,
7 734 (9th Cir. 1992); *United States v. Conforte*, 624 F.2d 869, 881 (9th Cir. 1980).

8 Plaintiff fails to allege any reasonable basis for recusal. Plaintiff’s complaints are with
9 Judge Coughenour’s judicial actions. But, “a judge’s prior adverse ruling is not sufficient
10 cause for recusal.” *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor*
11 *v. Regents of Univ. of Cal.*, 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial
12 bias must stem from an extrajudicial source.”). Plaintiff merely alleges that “[t]his has gone
13 well beyond simply disagreeing with a U.S. District Judge on any particular ruling but into the
14 efforts this U.S. District Judge has made to abuse his discretion.” Dkt. #41 at 4. Beyond this
15 baseless and conclusory allegation, Plaintiff points to nothing but Judge Coughenour’s prior
16 rulings as a basis for concluding that Judge Coughenour’s “impartiality might reasonably be
17 questioned.” Accordingly, the Court finds and ORDERS that Judge Coughenour’s Order (Dkt.
18 #45) declining to recuse himself is AFFIRMED. The Clerk shall provide a copy of this Order
19 to Plaintiff.

20 Dated this 14th day of June 2019.

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23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE